Atty. Dkt. No. K01-008
(formerly 00010.US00)

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 12, 21, 23, 27 and 29 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-29 are now pending in this application.

Rejections under 35 U.S.C. § 101

Claims 1-11, 21-26, 28 and 29 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully requests that this rejection be withdrawn for at least the following reasons.

The Office Action relies on the two-prong test set forth in In re Toma, 197 USPQ 852 (CCPA 1978), which presented the following inquiries:

1. whether the invention is within the technological arts; and
2. whether the invention produces a useful, concrete and tangible result.

The Examiner acknowledges that the recited processes produce a useful, concrete and tangible result. The claims are, however, deemed in the Office Action to be not within the technological arts and, therefore, directed to non-statutory subject matter for failing the first prong of the test.

However, the Board of Patent Appeals and Interferences has recently noted that "there is currently no judicially recognized separate 'technological arts' test to determine patent eligible subject matter under § 101." Ex parte Lundgren, Appeal No. 2003-2099 (BPAI 2005). The Board in Lundgren also declined to create such a test.

Accordingly, Applicant respectfully requests that the rejection of claims 1-11, 21-26, 28 and 29 under 35 U.S.C. § 101 be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-11, 12-20, 21-26, 27, 28 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jeopardy Article in view of Entertainment Article or InterLotto. Further, Claims 2-7 and 13-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jeopardy Article in view of Entertainment Article or InterLotto, and further in view of eCountries Article. Claims 2-5, 8-9, 13-16 and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jeopardy Article in view of Entertainment Article or InterLotto, and further in view of U.S. Patent Application Publication No. 2004/0049816 by Shahar. Applicant respectfully traverses these rejections of the claims for at least the following reasons.

The present invention relates to systems and methods which are beneficial for increasing awareness of non-profit organizations' missions. Embodiments of the invention allow organizations (ORGs) and sponsors, such as businesses and corporations, to cooperate to increase awareness of the ORGs' missions, as well as advertise the sponsors' businesses. In this regard, embodiments of the invention provide a game or a quiz, such as trivia, on a website. In response to the playing of the game or taking of the quiz by a player, or participant, the sponsor makes a donation to the ORG, providing fundraising for the ORG. Playing of the game or taking of the quiz by a player, or participant, increases the awareness of the ORG's mission and also increases the name recognition of the sponsor. The quiz, for example, may include questions relating to the ORG or the sponsor. Similarly, the game may be adapted to educate a participant about the ORG or the sponsor. Accordingly, independent claim 1, as amended, recites "the quiz having one or more questions relating to the ORG or the Sponsor" and "causing a donation to be made, by the Sponsor, to the ORG in response to the taking the quiz by the participant." Independent claims 12, 21, 27 and 29 each recite similar features.

None of the cited references teach or suggest at least this feature of the claimed invention. The Office Action cites the Jeopardy Article as disclosing causing a donation to be made by a

sponsor in response to taking of the quiz by the participant. Applicant respectfully disagrees with this interpretation of the Jeopardy Article.

The Jeopardy Article relates to a version of a popular television game show featuring celebrity contestants, or Power Players. Whereas the usual version of the game show includes contestants competing for money, the celebrities competing in the Power Players version donate their winnings to a charity of their choice. Nowhere does the Jeopardy article disclose that the questions relate to the charity or any sponsor. Rather, the questions on the game show are typically selected by the producers to test the contestants knowledge of general trivia. Further, Jeopardy article also fails to teach or suggest that any corporate sponsor makes a donation in response to the playing a game by the player. Rather, players only earn money by winning the game and, donate their winnings. No money is donated by any sponsor. Thus, the Jeopardy Article fails to teach or suggest at least these two features of the claimed invention.

The Entertainment Article is cited in the Office Action only for teaching that a game show, such as Jeopardy, may be carried out online. The Entertainment Article fails to teach or suggest at least the above-noted features of the claimed invention.

InterLotto also fails to teach or suggest at least the above-noted features of the invention. InterLotto discloses an Internet lottery operated by a charitable organization. Players can pay to play an online lottery in the hopes of winning money. A portion of the prize pool is donated by the charitable organization to a charitable cause. The only parties involved in the disclosure of InterLotto are the charitable organization and the players. InterLotto does not include a sponsor, such as a corporate sponsor, seeking to increase name recognition, for example. Further, the "donation" disclosed in InterLotto is simply an amount that is contributed to a charitable cause on a regular basis, not in response to the playing of the game by a player. Additionally, InterLotto fails to teach or suggest any quiz including questions relating to any ORG or sponsor, or a game adapted to educate a participant about an ORG or sponsor. Accordingly, InterLotto fails to teach or suggest the above-noted features of the claimed invention.

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Thus, independent claims 1, 12, 21, 27 and 29 are patentable. Claims 2-11 depend, either directly or indirectly, from allowable claim 1 and are patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. Similarly, claims 13-20 depend from allowable claim 12, and claims 22-26 and 28 depend from allowable claim 21. Therefore, claims 13-20, 22-26 and 28 are, therefore, patentable for at least that reason.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-1674. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1674. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-1674.

Respectfully submitted,

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By 

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